

Drawing Amendments

Please substitute the replacement drawing sheets of Figures 4 and 5, for original Figures 4 and 5.

Please insert the new drawing sheet, Figure 6 in the application.

REMARKS

The Examiner objected to the amendments filed 11/28/05 and 4/10/06 under 35 USC 132(a), asserting that they introduced new matter into the disclosure. In particular, the Examiner asserted that "all of the changes expanding on the new drawing and/or newly indicated structural elements" were not supported by the original disclosure.

The Examiner further objected to the disclosure because it contains references to figures that have not been entered.

The Examiner did not enter the proposed drawing corrections and new drawings of 11/28/05 and 4/10/06, asserting that they contained new matter.

It is requested that the instant amendment to the specification and drawings be entered of record. It is believed that the amendments overcome the Examiner's objections, or in the alternative, place the application in condition for appeal. In particular, the applicant will direct the Examiner's attention to the specific support for any changes to the specification and drawings, to show that no new matter would be entered by entering the enclosed replacement drawings and the enclosed amendment of record.

Drawings

The applicant will deal with the drawings first, because the proposed amendment to the specification presumes that new Figure 6 will be entered of record. Replacement sheets are provided for Figures 4 and 5, and a new sheet is provided for new Figure 6.

With respect to Figure 4, the only change that has been made is the change of reference numeral 52 to 53. This was done because reference numeral 52 was used in original Figures 4 and 5 to refer to two different elements. In Figure 4 the numeral referred to a drive sprocket, and in Figure 5 the same numeral was used to refer to one of two slots in guide plate 48. Because the reference numeral in Figure 4 is still drawn to the same item, and the specification (page 8, paragraph 3) has been changed in the same manner, it is believed making these changes entered no new matter. It is therefore requested that replacement Figure 4 be entered of record.

Replacement Figure 5 has been amended to add additional (but not new) reference numerals to the drawing. It is believed that there is basis throughout the specification and drawings for the addition of pre-existing reference numerals in this Figure, and that no new matter has been entered. More specifically, numeral 10 has been added. Numeral 10 identifies the general module, and is already found in original Figures 1 and 3. It is therefore believed that there is antecedent basis for the addition of reference numeral 10, and that no new matter has been added.

Reference numerals 16 and 18 were also added to Figure 5. These reference numerals were already present in original Figure 1, and described on page 6, 4th paragraph, as identifying the inside and outside lanes of the integrated conveyor track 14. It is therefore believed that there is antecedent basis for the addition of reference numerals 16 and 18, and that no new matter has been added.

Reference numeral 24 has been added to Figure 5. This numeral was already present in original Figure 1, and described on page 6, 4th paragraph, as identifying the housing of the drive mechanism. It is therefore believed that there is antecedent basis for the addition of reference numeral 24, and that no new matter has been added.

Reference numeral 24a has been added. This numeral was already present in original Figure 3, and described on page 7, the first and second full paragraphs, and on page 8, the first full paragraph. It is therefore believed that there is antecedent basis for the addition of reference numeral 24a, and that no new matter has been added.

Reference numeral 24b has been added. This numeral was not present in the original drawings, but was specifically described in the original specification on page 8, the first and second full paragraphs. It is therefore believed that there is antecedent basis for the addition of reference numeral 24b, and that no new matter has been added.

Reference numeral 48 has been added. This numeral was not present in the original drawings, but was specifically described in the original specification on page 8, the second full paragraph. More particularly, the original specification called for reference numeral 48 to indicate a "plate . . . on the upper end of housing 24", and further that the plate has "two slots 50 and 52 formed" therein, "parallel to one another and extending from end to end." The original specification further states that slot 50 "angles transversely" "about midway" along segment 26a" (indicated in original Figure 5), and "shift[s] transversely

back to the line of travel of segment 26a, immediately prior to exiting module 10 at the downstream end of housing 24.” A review of original Figures 1 and 5 clearly shows a pair of slots in an upper plate in the housing of the module 10, with the requisite angled portions. Furthermore, Figure 1 specifically shows specimen carriers 20, and the tracks 16 and 18 that they are carried along. These tracks are shown aligned with the slots described above in module 10, and it is believed clear that these carriers 20 will pass along and be guided by these slots 50 and 52, and that these slots are formed in a plate 48 on the top of the module 10. It is therefore believed that there is antecedent basis for the addition of reference numeral 48 in Figure 5, and that the description makes it clear that numeral 48 refers to the plate on the top of module 10. It is therefore believed that no new matter has been added by the addition of this reference numeral to the drawings.

For all of these reasons, it is believed that the addition of reference numerals to Figure 5 does not introduce any new matter to the application. Every feature identified by a reference numeral was already identified in an original drawing and/or by a written description in the original specification.

New Figure 6 has been modified from that submitted with the amendment of 4/10/06 so as to remove all features that were not specifically supported by the original disclosure. In particular, Figure 6 is an enlarged perspective view of the portions of housing 24 shown in Figure 1, but at a slightly different angle, to more clearly show the guide plate and its slots, as described in the original specification. The only reference numerals used in new Figure 6 are those that

were shown in the original drawings and/or described in the original specification. As noted above, it is believed that there is adequate support in the original disclosure for the inclusion of reference numeral 48 for the guide plate, and that no new matter has been entered by identifying this feature in Figure 6.

For the reasons above, it is requested that Replacement Figures 4 and 5, and new Figure 6 be entered of record.

Specification

The applicant will now address the proposed amendments to the specification. As noted above, the Examiner objected to the amendments filed 11/28/05 and 4/10/06, asserting that they introduced new matter into the disclosure. In particular, the Examiner asserted that "all of the changes expanding on the new drawing and/or newly indicated structural elements" were not supported by the original disclosure.

The proposed amendments to the specification are believed to overcome these objections. The only new material added to the specification is the reference to the new Figure 6. As discussed above, Figure 6 is believed to have full support in the original specification and drawings, especially since the drawings is simply and enlarged view of Figure 1, taken from a slightly different angle. Any details added to Figure 6 are found in the original drawings, and particularly, Figures 1, 2 and 5. Any additional structural details that were added by virtue of the previous amendments, have been deleted in the proposed amendment to the specification. However, the applicant has retained the correction of the reference numeral 52 to reference numeral 53, in order to

overcome the Examiner's rejection of the use of the same reference numeral for two different features.

Because it is believed that the proposed amendment eliminates any changes expanding on the new drawing and/or newly indicated structural elements not supported by the original disclosure, it is believed that this objection has been overcome. In the alternative, it is believed that the amendment places the application in better condition for appeal -- in the event the Examiner maintains his objections or rejections alleging new matter has been added.

Claims

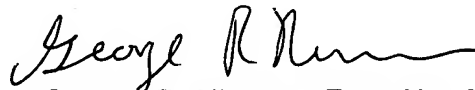
Claims 1-9 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. In particular the Examiner asserts that the specification fails to teach how an object transfers from the first segment to the second. This rejection is respectfully traversed. It is believed that the additional drawing and the original specification, fully enable the claims.

In particular, the Examiner's attention is drawn to the description of the invention found on page 8 of the specification. It is believed that this description fully and clearly describes the invention, including the transfer of the specimen carrier from one portion of the track to another. The travel of specimen carriers 20 along track 14 is shown in general in original Figure 1. This Figure also shows the transverse movement of the slots in the guide plate (although not numbered in this Figure). Original figure 5 showed and referred to these two slots, and showed the two track portions parallel and adjacent one another where the slots move at an angle. Finally, the description very clearly states that the

slots guide the specimen carriers from one segment to the adjacent segment. It is therefore believed that the claims are fully supported by the specification and drawings, as originally filed, and that the Section 112 rejection should be withdrawn.

For the reasons above, it is believed that all of the objections and rejections have been overcome. It is respectfully requested that this amendment be entered of record.

Respectfully submitted,



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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that the original document for application **Ser. No. 10/626,463** enclosed herewith, including a response and amendment and a set of 3 sheets of drawings, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on this 3rd day of August, 2006.



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